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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,718	10/26/2006	Robert Kenneth Oram	Weitzel 348	6802
7590	03/14/2008		EXAMINER	
Michael Y. Epstein 1551 Ben Sawyer Blvd #5A Mt Pleasant, SC 29464			BASINGER, SHERMAN D	
			ART UNIT	PAPER NUMBER
			3617	
			MAIL DATE	DELIVERY MODE
			03/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,718	ORAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	SHERMAN D. BASINGER	3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 February 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-4,6-8,11 and 12 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-4,6-8,11 and 12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 October 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Daghe et al.

1 (currently amended): A clamp 10 for securing to a pipe or flowline for mounting buoyancy thereon, the clamp comprising:

- i) a clamp body 12 having surfaces against which buoyancy may abut
- ii) means 24 for urging the clamp towards the pipe, and
- iii) a radially acting spring G capable of expanding or contracting along the radial direction to take changes in dimension of the pipe from a nominal dimension while maintaining a clamping force upon the pipe.

For claims 3 and 4 note column 5, lines 30-35.

Note that “for securing to a pipe or flowline for mounting buoyancy thereon” is an intended use of the clamp. So long as the clamp of Daghe et al can perform such an intended use and has all of the apparatus structure of claim 1, Daghe et al anticipates claim 1.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6, 7, 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2286649 in view of Daghe et al.

For claim 1, GB 649 discloses a clamp 1 for securing to a pipe or flowline for mounting buoyancy thereon, the clamp comprising:

- i) a clamp body 2 having surfaces against which buoyancy may abut; and
- ii) means 7 for urging the clamp towards the pipe, and

GB 649 does not disclose a radially acting spring capable of expanding or contracting along the radial direction to take changes in dimension of the pipe from a nominal dimension while maintaining a clamping force upon the pipe.

Daghe et al discloses a radially acting spring G capable of expanding or contracting along the radial direction to take changes in dimension of the pipe from a nominal dimension while maintaining a clamping force upon the pipe.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide between the shells 2 of GB 649 and the strap 7 a radially acting spring similar to G of Daghe et al which will be capable of expanding or contracting along the radial direction to take changes in dimension of the pipe from a nominal dimension while maintaining a clamping force upon the pipe.

Motivation to provide this spring is to protect the body 2 which is made from reinforced plastics from the strap when the strap is made from titanium.

For claims 3 and 4 note column 5, lines 30-35 of Daghe et al.

For claims 6 and 7, note page 2, lines 6-8 of GB 649.

For claim 8, note page 3, lines 10 and 11 of GB 649.

For claim 11, GB 649 discloses a method of mounting buoyancy on a pipe comprising the steps of:

- a) mounting about a pipe a clamp 1 comprising
  - i) a clamp body 2 having surfaces against which buoyancy may abut, and
  - ii) means 7 for urging the clamp body towards the pipe;
- b) urging the clamp body towards the pipe and
- c) mounting buoyancy on the clamp body.

GB 649 does not disclose that the clamp 1 comprises a radially acting spring capable of expanding or contracting to conform to changes in diameter of the pipe about the pipe.

Note G of Daghe et al. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to provide between the means 7 and the body 2 of GB649 a radially acting spring similar to G of Daghe et al to protect the body 2 which is made of plastic from the band 7 when the band 7 is made from titanium.

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5. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daghe et al in view of Butts.

Daghe et al does not disclose the radially acting spring comprises a plurality of arcuate resilient leaves disposed along an interior surface of said clamp.

Note the plurality of arcuate resilient leaves 26 and 28 of Butts. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to design the spring G of Daghe et al with arcuate resilient leaves similar to 26 and 28 of Butts to cushion forces between the pipe and the band means 12 of Daghe et al as the band means is tightened.

### ***Response to Arguments***

6. Applicant's arguments filed February 8, 2008 have been fully considered but they are not persuasive. Applicant argues that in the 35 USC 102(b) rejection of claims 1, 3, 4 and 9, the Examiner equates the gasket G of Daghe with the "radially resilient member" originally specified in the claims. While the gasket G of Daghe is admittedly elastomeric, it can in no sense be referred to as a spring, as now claimed. Also, to judge from the appearance and description of the gasket G, it would not have the stiffness required to accommodate changes in the dimension of the pipe while maintaining a clamping force.

In rebuttal, claim 1 does not define the spring structure such that there is claimed structure not anticipated by G of Daghe et al. When checking the specification for the material of the spring of applicant's invention, the material disclosed is similar to the material of G of Daghe et al. That is- a synthetic rubber is used. Applicant's specification does not set forth any hardness or stiffness of the spring. The specification only sets forth that the spring is a resilient polymeric material capable of expanding and contracting. The member G of Daghe et al meets the criteria disclosed and especially meets what is claimed. Member G of Daghe et al is made of rubber after all.

Applicant argues concerning the suggested combination of GB649 with Daghe, it is submitted that there is no evidence of record showing

any incentive to incorporate the seal of Daghe into the clamp of GB 649. The Examiner states that the reason to do this would be to protect the body from the band, the body being made of glass reinforced plastic. This seems to be based upon the assumption that the seal would have been placed between the body and the band. But that would have been an entirely different construction from that shown in Daghe wherein the seal is placed in the only reasonable place for a seal, i.e. on the interior surface of the clamp. There is no reason to think, and certainly no evidence in support of the notion, that the body requires protection from the band, and no combination of the teachings of the two documents would have suggested this construction.

In rebuttal, placing the member similar to G of Daghe et al between the band 7 and the body of GB 649 is taken from the teaching of Daghe et al where the member G is secured to the band 12, band 12 of Daghe et al being equivalent to band 7 of GB 649. None of the claims require the spring to be on the interior of the body contacting the pipe.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHERMAN D. BASINGER whose telephone number is (571)272-6679. The examiner can normally be reached on Monday-Thursday 5:30 a.m.-3:00 p.m. and Friday 6:30 a.m.-10:30 a.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sherman D. Basinger/  
Primary Examiner  
Art Unit 3617

3/18/08